

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DIANE WEEK, <i>et al.</i> ,	)	
	)	
	)	
Plaintiffs,	)	
vs.	)	NO. CIV-13-1012-HE
	)	
C. R. BARD, INC.,	)	
	)	
Defendant.	)	

**ORDER**

Plaintiffs filed this action in state court against C.R. Bard, Inc. for damages allegedly caused by defendant's involvement with the "design, development, manufacture, testing, packaging, promoting, marketing, distribution, labeling, and/or sale of pelvic mesh products." Doc. #1-2, p. 2. Defendant removed the action on the basis of diversity jurisdiction, asserting that plaintiffs fraudulently joined a New Jersey citizen as a plaintiff to avoid the transfer of this action to C R. Bard, Inc. Pelvic Repair System Products Liability Litigation ("MDL No. 2187"). Defendant then filed a motion to stay until the Judicial Panel on Multidistrict Litigation decided whether this case should be transferred to the consolidated proceeding in West Virginia.


Plaintiffs oppose the motion, asserting that the court should proceed to rule on a motion to remand, which they assert will be timely filed. However, the action was removed more than a month ago and no motion to remand has been filed. Under these circumstances, the court concludes defendant's motion should be granted. If and when plaintiffs decide to seek remand, they may file a motion asking the court to lift the stay for the purpose of

allowing them to file a motion to remand.

Accordingly, defendant's motion to stay [Doc. #3] is **GRANTED**.

**IT IS SO ORDERED.**

Dated this 5th day of November, 2013.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE